IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

Tr.P(C).No. 200 of 2007()

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OS.91/2005 of MUNSIFF COURT, MAVELIKKARA

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PETITIONERS:

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1. PURUSHOTHAMAN, RAJABHAVANAM,
   PANAYIL MURI, PALAMEL VILLAGE.

2. SADANANDAN, HARIMANGALATHU,
   PANAYIL MURI, PALAMEL VILLAGE.

3. GOPI, SHAJI NIVAS,
   PANAYIL MURI, PALAMEL VILLAGE.

4. RAGHAVAN, SIVABHAVANAM,
   PANAYIL MURI, PALAMEL VILLAGE.

5. UNNIKRISHNAN, AMPADIYIL,
   PANAYIL MURI, PALAMEL VILLAGE.

6. MARIAMMA, SAJI BHAVANAM,
   PANAYIL MURI, PALAMEL VILLAGE.

7. SIVANKUTTY, VALUTHUNDIL EDAPURA,
   PANAYIL MURI, PALAMEL VILLAGE.

8. SAHADEVAN, PARAKAMVILAYIL,
   PANAYIL MURI, PALAMEL VILLAGE.

9. SUGATHAN,
   CHAMAVILAYIL SMITHA BHAVANAM,
   PANAYIL MURI, PALAMEL VILLAGE.

10. UTHAMAN, KOCHUTHUNDIL,
    PANAYIL MURI, PALAMEL VILLAGE.

11. HARIDASAN, MULAMOOTTIL KIZHAKKATHIL,
    PANAYIL MURI, PALAMEL VILLAGE.

12. VISWAMBHARAN, PUTHENVILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

13. SUSEELAMMA, LEKHA BHAVANAM,
PANAYIL MURI, PALAMEL VILLAGE.

14. NARAYANA PILLAI, SASIDHARAN BHAVANAM,
PANAYIL MURI, PALAMEL VILLAGE.

15. JAMES, MULAMOOTTIL,
PANAYIL MURI, PALAMEL VILLAGE.

16. CHANDRAN, POIKAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

17. LEELAMMA, KUTTIYIL KIZHAKKATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

18. NARAYANAN, PUTHENVILAYIL KIZHAKKATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

19. RAVI, PUTHENVILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

20. BHASKARAN, KALABHAVANAM,
PANAYIL MURI, PALAMEL VILLAGE.

21. KOCHUKUNJU, NADAYIL KIZHAKKATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

22. MADHAVAN PILLAI, AYIKOMATHU VILLA,
PANAYIL MURI, PALAMEL VILLAGE.

23. KARUNAKARAN, PUTHENVILAYIL EDAPURA,
PANAYIL MURI, PALAMEL VILLAGE.

24. BHARGAVAN PILLAI, MANI MANDIRAM,
PANAYIL MURI, PALAMEL VILLAGE.

25. SHYAMALA, THENGUVILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

26. THANKAMMA, MEENATHU VILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

27. OMANA, ANIL BHAVANAM,
PANAYIL MURI, PALAMEL VILLAGE.

28. ROHINI, SURABHI,
PANAYIL MURI, PALAMEL VILLAGE.

29. JANARDHANAN, KUZHIVELIL THEKKETHIL,
PANAYIL MURI, PALAMEL VILLAGE.

30. AMMINI, ARUPLAVILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

31. THOMAS, BETHANY MULAMOOTTIL,
PANAYIL MURI, PALAMEL VILLAGE.

32. SASIDHARA KURUP, SRI VIHAR,
PANAYIL MURI, PALAMEL VILLAGE.

33. SUMA, SORRYALAYAM,
PANAYIL MURI, PALAMEL VILLAGE.

34. PEETHAMBARAN, THEKKULLATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

35. NARAYANAN, MANARUVILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

36. SUSAMMA, MUKALAYATHU PUTHEN VEEDU,
PANAYIL MURI, PALAMEL VILLAGE.

37. SURENDRAN NAIR, KADUVINKAL THEKKETHIL,
PANAYIL MURI, PALAMEL VILLAGE.

38. VIKRAMAN NAIR, KADUVINKAL THEKKETHIL,
PANAYIL MURI, PALAMEL VILLAGE.

39. BHARGAVAN, SURESH BHAVANAM,
PANAYIL MURI, PALAMEL VILLAGE.

40. SIVA KUMAR, THAZHATHADATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

41. SHEEBA, KUTTIYIL KIZHAKKATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

42. RAJAN, PUTHEN KALEECKAL,
PANAYIL MURI, PALAMEL VILLAGE.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:
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1. VIJAYALEKSHMI AMMA,
   PAIKATTU VEEDU, BHARANICKAVU THEKKUM MURI,
   KATTANAM VILLAGE.

2. KOCHU KRISHNA PILLAI,
   PAIKATTU VEEDU, BHARANICKAVU THEKKUM MURI,
   KATTANAM VILLAGE.

3. LALITHAMBIKAYAMMA,
   PAIKATTU VEEDU, BHARANICKAVU THEKKUM MURI,
   KATTANAM VILLAGE.

4. HARIKUTTAN,
   PAIKATTU VEEDU, BHARANICKAVU THEKKUM MURI,
   KATTANAM VILLAGE.

5. BABYAMMA,
   PAIKATTU VEEDU, BHARANICKAVU THEKKUM MURI,
   KATTANAM VILLAGE.

6. RAMACHANDRA PANICKER,
   PULITHITTA VEEDU, VALLIKUNNAM, PUTHENCHANTHA P.O.

7. AJOY KUMAR,
   THURUTHIVILAYIL, KATTACHIRA MURI,
   BHARANICKAVU VILLAGE.

8. USHA,
   SURAJ BHAVANAM, PANAYIL P.O., NOORANADU.

9. YOHANNAN,
   THADATHIL PADEETTATHIL,
   PANAYIL MURI, PALAMEL VILLAGE.

10. SUBHADRA, MINI BHAVANAM,
    PANAYIL MURI, PALAMEL VILLAGE.

11. THANKAMONY, MANUBHAVANAM,
    PANAYIL MURI, PALAMEL VILLAGE.

12. PRAKASH, NADAYIL KIZHAKKATHIL,
    PANAYIL MURI, PALAMEL VILLAGE.

13. SURENDRAN PILLAI, AYIKOMATHU VILLA,
    PANAYIL MURI, PALAMEL VILLAGE.

14. AJAYAKUMAR, MEENATHU VILAYIL,
PANAYIL MURI, PALAMEL VILLAGE.

15. MURALI, MULAMOOTTIL KIZHAKKATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

16. JANAKI, VALLIKALIL KIZHAKKATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

17. VAMADEVAN, REMYA BHAVANAM,
PANAYIL MURI, PALAMEL VILLAGE.

18. AJAYAN, VILAYIL PADEETTATHIL,
PANAYIL MURI, PALAMEL VILLAGE.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**M.N.KRISHNAN, J**

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**Tr.P.(C) No.200 OF 2007**

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**Dated this the 26th day of September 2007**

**JUDGMENT**

This transfer petition is preferred with a prayer to transfer O.S.No.128 of 2005 pending before the Munsiff's Court, Mavelikkara to the Sub Court, Mavelikkara for trial and disposal. Two suits were filed before the Munsiff's Court, Mavelikkara as O.S.Nos.91 & 128/2005. There was a prayer for injunction in O.S.No.128/2005 which was negatived, which necessitated amendment of the plaint whereby the jurisdiction of the Munsiff's Court got ousted and the said case is pending before the Sub Court, Mavelikkara. It is seen from the records that O.S.Nos.91 and 128/2005 had already been ordered to be tried by the Munsiff holding that it requires consideration jointly. Now even though a larger relief is sought for in the case pending before the Sub Court, the matter in issue is the same and joint disposal is a must.

Therefore O.S.No.91 of 2005, pending before the Munsiff's Court, Mavelikkara is transferred to the Sub Court, Mavelikkara for joint trial and

disposal along with O.S.No.190 of 2007.

Tr.P.(C) is disposed of as above.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**